

The Conflict Resolution, Security and State-Building Process in Libya

Simonetta Silvestri

MA. Simonetta SILVESTRI

Abstract

The aftermath of the Libyan conflict and the country instability continues due to the internal political division echo of the Arab Spring and the overall fragile regional context strongly influenced by external powers seeking to impact on the direction the country takes socio-economically and politically. In post-Qaddafi Libya the long transition to sustainable institutions and peace remains fragile. The tensions between political parties, armed groups and non-state security actors with different ideological preferences resulted in the full-scale civil war that broke out in the mid-2014. The large arsenal inherited from Qaddafi regime fell under the armed groups and non-state security actors control increasing the already vast proliferation of weapons escalating political tensions and polarization between religious and secular actors. This research aims to examine the transition process in the post-conflict Libya assessing the political developments within the broader aspects of regional peace, stability and security and in reverse how the political instability in Libya affects broader regional security, the growth of violent extremism and uncontrolled acute forced migrations through Libya's porous border. Libya is a strategic partner and an international player for the EU engaged with the emerging power in the Mediterranean region and the Middle East. The EU interest

focuses - beside foster a sustainable economic system - on preserve peace and prevent conflict strengthening its relations with its neighboring countries to maintain security in the region. To reach national, regional and international security is necessary to recognize security as a political matter to be reflected in a long-term process part of the governance reform and economic development through a coherent and effective inter-policy approach. In the case of Libya as any other case, it is necessary to acknowledge the national interest and national priorities and the need for case-by-case analysis tailoring international support to transform a state of insecurity into a state of peace coordinating short and long term policies and actions and visioning the nexus between security and development to restore peace in the country and in the region.

Key words: Security; Conflict-Resolution; Peace; State-Building; Politics; Ideology;

1. Introduction

Political Islam has been a very active form of political expression since the Iranian Revolution in 1979 (Mandaville, 2007, 195; Buckley, 2012, 91). Actually, in the following few decades political Islam began to be an alternative to the influence of socialism and nationalism across the Middle East and Asia and an increasing presence of the Gulf's state interest in North Africa, Middle East and the Horn of Africa. This was especially apparent after the end of the Cold War and with the beginning of the Arab Spring that brought about the significant social-political, economic and security changes and transformations. The increase of political parties inclined towards political Islam had significant impact on the evolution of the political landscape, revolutions, elections and stability of the Muslim countries, including present-day Libya (Murray & Aidan, 2001, 86-108). Although Libyan religious actors such as Libyan Islamic Movement for Change had played the significant role in the overthrow of the Qaddafi regime, it is significant to acknowledge the involvement of this political party and likewise political parties constructive involvement in the political processes towards, peace, stability and human security. When one talk about religious political parties, it is important to mention that they had undergone significant fragmentation. Actually, the so-called Muslim Brotherhood gave birth to several political parties with similar political and

ideological preferences; for instance, it is important to mention the Justice and Construction Party (JCP) or al-Watan (Nadine, 2016, 60-75). Study the ideological preferences of these political parties provides information on the reasoning behind their alliance during the crisis and the civil war as for the case of Libya dominated by political parties with a religious political affiliation and others political parties with secular political inclination. Political parties with religious ideological preferences have been struggling to ensure their political place regardless of a viable political settlement or situation whereby the civil war and violence is taking place remaining on the political arena since the beginning of the conflict, during the crisis and instability and in the absence of a viable system of governance. The challenge remains to differentiate how religious political parties involved in the political process to bring about security impacted on Libya political development and stability contrary to the radical and violent political parties engaged to disrupt the process.

The developments in Iraq, Syria, and Egypt also contributed to the emergence of religious political activism in Libya. In all these countries, especially after the Arab Spring, including Libya, religion has played a significant role in the civil war and subsequently in the political processes. What are in particular political manifesto, strategies, agenda and ideological objectives of the emerging religious political parties? It is almost impossible to understand the Arab Spring, the uprising that followed and the attempts to democratize countries long lasting dominated by authoritarian rules across the Muslim world without understanding the role of religion (Blanchard, 2014, 3). In this regard, Libya has not been an exception because the role of religion in politics has been greatly manifested in country like Egypt, Tunisia, Morocco, Kuwait, Saudi Arabia, Syria, Jordan, Pakistan, Malaysia and Indonesia. The impact of political parties religiously lead in Libya it could be compared with the other Muslim countries where the role of religion in politics has been more or less effective. In 2011, different political actors played a role in the armed revolution against the regime of Muammar Qaddafi, followed by a civil war and years of instability till nowadays. In Libya revolutionary lead by religious political preferences played a critical role in toppling Muammar Qaddafi's regime with open NATO support (Buckley, 2012, 81-83). According to Dagi (2017), the UN adopted the Resolution 1973 to justify its involvement in Libya to implement Chapter VII and the United Nations Security Council tasks to "maintain or restore international peace and

security,” and in the case of Libya the threat and the aggression of Muammar Qaddafi against its own citizens.

During the revolution the religious political parties, sided with the National transitional Council in Bengasi and after in Tripoli with the elected government to be an integral part of the transitional process toward the country's democratization via elections, and constitutional changes. However, within much political, economic and social unrest some of the religious political parties radicalized inciting and participating in the violent clashes across the country threatening the peace process in Libya.

After 2011, religious political parties played a significant role in the election processes. Thus, these political parties saw an opportunity in using the political and institutional framework for fostering their political and ideological objectives and constructively engaging in the media, elections, and judiciary democratization process. However, since 2014 the military action of General Khalifa Hefter in the Cyrenaica against the Islamic armed groups, the position of religious political parties began to change from constructive to a much more radical role (Barfi, 2014, 3-6). Religious political parties felt compelled to actively engage in the conflictive political scene in an open armed confrontation in alternative to the so-called soft politics.

2. Peace and Security Predicaments in Libya

The Libyan political landscape remains fragmented and fluid, inclusive of the numerous challenges that a post conflict scenario present; from the Prime Ministers Mahmoud Jibril to Al Tarhouni and from Abdem Rahim el-Kib to Ali Zidan and finally to the government of Tobruk of Abdullah al Thani and the Government of Tripoli of Fayez Al Sarraj there has been a constant attempted to act prudently prioritizing the need to complete their mandates until the election against an effective and courageous implementation of the peace process, refraining to take up challenges and engage in the reforming of the security governance due to the conflictive political climate and the lack of political cohesion. External actors criticized the ineffectiveness and the lack of vision of the Libyan governments. However it could be argued that transform a complex, fragmented political scenario dominated by “proxy” interests is risky and challenging and quick positive impact on individual's life are highly improbable. In spite several electoral processes the Libyan's government suffered the post-election

legitimization of its political management as part of the political process the governments failed to address the disarmament, demobilization and reintegration (DDR) of the armed groups and the non-state security providers in the urban and rural area of the country. The government also failed to address the reconciliation and justice reform process. Romanet Perroux (2015) articulated these problems by stating,

One telling indicator of this bureaucratic failure in the three years following the end of the 2011 revolution was the inability of the transitional governments to spend their allocated budgets. This was because ministries were paralyzed by their lack of specialized staff and their need for clear and detailed directives. Typically, decision-making and implementation required multiple signatures from various departments and bureaucratic echelons in order to assuage the concerns of civil servants (p. 4).

The political scenario has been characterized by a sense of mistrust among the legislative, the executive bodies, the armed groups and the civil society. Since the National Transitional Council the government struggled in addressing the former revolutionaries, re-organized into armed groups and non-state security actors, and the state security management overall failing in providing security policy direction within re-organized national security architecture. Within the executive there is no separation between the policy-makers, the administration and operational level and plans are being implemented bereft of any policy guidance or sector's strategy; there is no capacity within the administration to act strategically in the short term due to several factors: (a) absence of inter-ministerial coordination; (b) ministries unclear division of competencies and overlapping responsibilities; (c) internal political struggle for key positions within ministries; (d) lack of political cohesion between the central government and the periphery; (e) absence of a legal and regulatory framework to guarantee the implementation of the rule of law and the governance transparency; (f) lack of expertise within the public administration and poor infrastructures. For instance, both the ministry of justice and the ministry of the interior suffered and still do from relatively limited financial resources (given the wealth of the country), poor structural, management and administrative capabilities, weak oversight, and inadequate capacities for strategic planning; weak institutions were a hallmark of Qaddafi's Libya (Nadine, 2016, 99-111; Blanchard, 2014, 31).

The inability of the government to communicate with the public increase and the negative perception of the civil society toward the political

management revealed its limited knowledge in managing public affairs. Therefore, the inefficient and undeveloped public administration functioning does not support transparency; instead instigate civil society demonstrations to protest against the government actions, for (a) lack of transparency; (b) the excessive presence of Muammar Qaddafi loyalist within the public administration (c) lack of transparency of the central bank and other financial institutions; (d) lack of improvement of the living conditions for majority of Libyans; (d) lack of transparency in the distribution of economic resources and illegal appropriation of resources. According to Romanet Perroux (2015), the civil society has to encounter the failure of its politics, the lack of state institutions and a narrow communalism (p. 3-4). Thus, the attempt to re-organize the public administration sector is slow and confused but not indicative of a country ready to relapse into armed conflict. In communications with the security section, stakeholders emerge a positive political will for the country to move forward.

3. An Institutional Assessment of Security Institutions in Libya

In the volatile and often inaccessible Libyan security environment assessing the security management and who is managing security is difficult. The Warrior Affair's Commission, renamed today Reintegration and Development Commission was initially charged with the process of disarmament, demobilization and reintegration (DDR) of freedom fighters from the recent conflict (Blanchard, 2014, 10). The Warrior Affairs 's Commission had an innovative approach and instead of following the DDR traditional path encouraged the reintegration of the freedom fighters into public administration and private sector before disarmament. The WAC was one of those few institutions that already in 2011 had a vision, a strategy and a plan to address the fighters and revolutionaries integration to de-conflict instigating a spontaneous participation of the freedom fighters into the disarmament, demobilization and reintegration process. To implement a DDR process in a country like Libya, where there are not neutral entities to handover weapons, is highly improbable. In the history of recent conflicts DDR operationalization has been conducted by the United Nations peacekeepers or other regional organizations but in Libya these conditions were not applicable. Which of the many freedom fighter's brigade would voluntarily and spontaneously render their weapons and to

whom? Therefore the idea of the WAC could have been successful beside innovative in promoting “self- disarmament.” Sawani (2017) is right in asserting that besides “developing special programs for realizing this goal of reintegrating fighters, it is necessary to syncing and correlating these programs with a sustainable peace and reconciliation strategy, To implement a DDR process is need it a political agreement among all parties including those who have to be disarmed and are not institutionally represented. The DDR is a conducive process to establish peace and security toward stability and democratic transition” (p. 172-173). In this regard, the EU with its international partners also fostered the DDR agenda and program as to direct the country towards the peace-building and institution-building process. Consequently, for such a purpose the EU significantly supported the agenda set by the Libyan Political Agreement signed in Skhirat in December 2015 (Battiss, Luengocabrera & Morillas, 2016, 19).

A Warrior Affairs Commission (WAC) database was established to manage the process of “reintegration” (Muggah & O'Donnell, 2015, 13). The database was and still is an incredible source of information not only about the “individual *thwar*” - freedom fighters - but about the number of brigades formed during the uprising and after in each town in Libya. It provides the name of the commander's brigade, and it gives a picture of the geo-political and geo-military formation of the armed groups. For instance, only in Tripoli it was accounted 1796 brigades and addresses of where the brigades were located. Already 80.000 weapons were declared and registered; through the registration it was acknowledged that there were no women fighters registered among the 230,000 freedom fighters; women were not in combat neither dealt with logistic. The *thwar* that registered with the WAC did not take any salary/money/benefit as this was against the WAC's policy. The WAC had analyzed several other DDR process in other countries and the payment of the freedom fighter was proven to be unsuccessful. It is certain that a large number of individuals registered with the WAC, although they were never in combat and they were seeking for employment. A total of 70.000 *thwar* were registered with the ministry of internal affairs 25,000 with the ministry of labor and 16,000 with ministry of defense bringing the number to 341,000 “*thwar*” which corresponded to the number of the unemployed in Libya (Sharqieh, 2013, 17). Unfortunately the WAC did not receive the support required - by the state's budget and external donors - to reintegrate the fighters into private sector or public

administration function. It could be said that it was a missed opportunity conducive to the failure of the DDR process. It failed the expectation of those many freedom fighters that were ready to move from war to peace. *Thwar* expectations were and are still high; they considered *reintegration through employment the reward for the fight* for the country's freedom. *Thwar's* dissatisfaction caused discontent, which often result in civil disturbance presenting a real threat to restore peace in the country (Muggah & O'Donnell, 2015, 9-10; Mohammad Sawani, 2017, 176-177). The widespread of arms and ammunitions in the country was the consequence of the vast ammunition storage area (ASA) bombed by the NATO and controlled by the local armed groups and non-state security actors. A large number of those arms were illegally sold and also used in other conflicts, like in Syria or Somalia by the insurgency. Unfortunately the DDR process has not been successful and has contributed to the instability and insecurity that is still affecting Libya. DDR remain a challenge in any conflict or post conflict scenario putting at risk the peace and delay the institutional development and state formation

The rule of law, transnational justice, reconciliation, and human rights are other sectors that contribute to de-conflict and improve state and human security in Libya. The identification of the missing persons for instance is one of the crucial aspects of the transnational justice and reconciliation process. The Ministry for Wounded, Martyrs and Missing Persons was established to manage the identification of the missing persons. In Libya the exhumation of bodies from mass graves started back in 2011 on the request of the family of the victim's that actively participated in the identification process providing their DNA after being fully informed on the implications and the further steps required to implement the process. The "Commission on the Search and Identification of Missing Persons, was set up by the National Transitional Council during the revolution in 2011 and in November 2012 the Libyan Minister for the Affairs of Families of Martyrs and of Missing Persons, Naser Jibril Hamed, signed in Tripoli an agreement with the International Commission for Missing Person (ICMP) on cooperation to identify missing persons cases from the recent conflicts as well as from the 42-year regime of Muammar Qaddafi

The Commission on the Search and Identification of Missing Persons was staffed with prominent international scientists, including forensic experts, to investigate those who had disappeared" (Van Lier, 2017, 16). However, the process required more attention. DNA for instance should

not be donated without a law on Data protection and a legal framework to protect the privacy of the family of the victims and to regulate the process; exhumation should be conducted according to the rule of procedures and the best international practices. Three countries offered support to the Commission (MoM), USA, Finland and South Korea (Mohammad Sawani, 2017, 180-184).

The transitional justice process has been delayed by the lack of consensus among the political parties and civil society. Several conferences have been held with speakers from countries that undergone Transitional Justice and Reconciliation process and established Commission for Truth and Reconciliation such as Colombia, South Africa, Rwanda. The suggestions from previous experiences considered that one of the key factors that are the base to a reconciliation process is to agree on a new Constitution (Van Lier, 2017, 8-12; Geha & Volpi, 2016, 687-706). Legislation has been often unclear and characterized by a poor language and vague formulation that doesn't address the legal interpretation of laws in the court of justice. Often legislation passed resembles the legislation at the time of Muammar Qaddafi. An example could be the law passed by the National Transitional Council that granted legal immunity to any action that was undertaken in the effort to rid the country of Colonel Qaddafi granting impunity to war crimes committed during the revolution and civil war for both military and civilian acts. These laws challenged the international laws as they granted immunity/impunity to crime against humanity and war crime to the freedom fighters when the concept of the law shall embrace both loyalists to the former regime and the freedom fighters. The law included persecuting individuals from towns and cities that were suspected to be pro-Qaddafi, and the regular use of torture in detention centers (Van Lier, 2017, 5-12). The acceptance of the law granting impunity to those who killed civilians, torture and murder in detention centers was against the principle of the revolution itself, the fight for freedom and the idea to abide to the rule of law in Libya against an unjust regime. Someone argued that the law aimed to convince the *thwar* to hand over the weapons and guarantee them immunity and protection (Fukutomi, 2017, 30-31). For instance, United Nations Mission Support in Libya (UNSMIL) the civil society and the Libyan judicial authorities have negatively assessed Laws 35, 37 and 38, passed by the National Transitional Council (NTC). Law 37 addressed the glorification of the dictator and any criticism to the Libyan flag, government and other

institutions encroaching on freedom of expression. Law 37 was the copy of the previous Qaddafi's law interpreting the regime's restriction of freedom of expression. On a positive note was the Law 38 that obliged the transfer of the detainees from the Ministry of Interior and Ministry of Defense to the Ministry of Justice with the obligation to refer them to the public prosecutors and not the military courts unless they were immediately to be released.

Since February 2012, the resumption of judicial activity was hampered by institutional weaknesses and the deficits of the courts, some of which were barely functioning due to lack of adequate security measures, and the absence of judges and administrative staff (Van Lier, 2017, 14). Court's administration under the former regime was characterized by many of the same deficiencies of the Libyan public administration. Corruption was prevalent among the administrative staff of the court and other auxiliaries of justice. The case management system was not developed, while the automation of the courts was in its very early stages.

Under Qaddafi regime, judges, prosecutors, lawyers, public defenders and members of the legal department in the government were considered by law to constitute one single corps, violating the principle of the immovability of the judges, and thus their independence. Lawyers' syndicates and professional networks of the legal institutions remain relatively underdeveloped in Libya, owing to the limitations imposed over the past four decades. In terms of legal competence, knowledge and education, Libyan judges and lawyers were considered to be at a comparable level with their peers in other Arab countries. Nevertheless, members of the judiciary suffered from a number of capacity gaps, particularly in the absence of knowledge development and continuous learning. The on-going training of judges, although existent, does not follow any strategic capacity building curriculum. Consequently, the expertise of judges, prosecutors and lawyers is ostensibly variable. The High Judicial Institute (HJI) remains the principal training and resource center for the Libyan judiciary, falling under the authority of the Minister of Justice. While the HJI is relatively well resourced, its capacities and facilities need to be improved in order to strengthen legal education and the competence of the judiciary (Sharqieh, 2013, 23-27).

Owing to the existence of parallel institutions under the former regime, the high level of corruption, the lack of independence from the executive and the overlapping of ministerial competencies, ranging from the Office of

the Public Prosecutor to the judiciary and the police, needs to be addressed. The issue of large numbers of detainees awaiting trials became a growing concern, accompanied by increasingly allegations of torture and ill treatment of prisoners. Torture and ill treatment was a common feature, with prison officers little aware of the human rights of detainees or minimum standards for imprisonment. Between March and December 2011, the International Committee of the Red Cross (ICRC) had visited over 8,500 detainees in approximately 60 centers; the majority of individual's accused of being Qaddafi loyalists. The UN High Commissioner for Human Rights expressed continuous concern over the conditions of detention and treatment of detainees. These issues and the need to tackle it in the context of Libya's transition are of central relevance to confidence building at the governance level and within the civil society that need to regain trust into the state institutions through the implementation of the rule of law. The Libyan Prison System was already suffering from overcrowding prior to the revolution, in part due to the large numbers of migrant workers from sub-Saharan Africa assigned to such facilities. In addition, around half of the prison population was subject to prolonged pre-trial detention. Also detention centers existed in the country within the armed groups and non- state security actors facilities. In the former regime, the judiciary and the executive were not clearly distinct and the judiciary were certainly subordinated to the regime and with Act No. 3 the National Transitional Council issued a law to ensure separation of powers; today the ministry of justice has no control over the judicial authority except for the preparation of trials in terms of maintenance, mobilization, and protection. The ministry of justice is authorized to check that actions pertaining to acts allegedly committed by revolutionaries or others have to be prosecuted. The MoJ has several time stressed that *thwar* cannot act as judicial officers; therefore, whoever handles the investigations must be a judicial officer recognized by Libyan law to conduct official investigations in respect to the legislation regulation on investigation and prosecutions. *Thwar* were not authorized to conduct investigations that should only be carried out through judicial authorities such as the attorney general or the military prosecution.

The Ministry of Defense integrated 16.000 *thwar* to secure the border and to protect the critical installations; reintegrated *thwar* have been used to sedate the conflicts in Sebha and Koufra beside other cities in Libya. Already in 2011 a coordination mechanism under UNSMIL was set in place

to coordinate among the external donors and Libyan's authority the support to design the new defense architecture. The same coordination mechanism was established for the "commercial contracts" that the MoD should have signed for the army equipment in bilateral agreement with external donors. In the area of disarmament, much was done since 2011 and much remains to do to secure the stockpile ammunition and the chemical and nuclear material from the ammunitions storage areas (ASA). External donors supported and financed the Libyan Mine Action Centre to demine and clear the unexploded ordnance devices in urban and rural areas. The NATO had also assumed responsibility in providing advice to the Libyan authorities on security and defense governance following the request expressed by the Libyan Prime Minister in October 2013" (Battiss, Luengocabrera & Morillas, 2016, 19).

The Ministry of Interior (MoI) has competencies over the internal security and civil protection. However in Libya the civil protection is still lacking adequate infrastructures and a longstanding little interest in this sector. The MoI managed the voluntarily integration of *thwar* that moved from the status of freedom fighters to the one of police officers. In spite the increase in the number of police officers the MoI has been often obliged to request the support of the MoD to respond the large country widespread chaos among tribes, armed groups, non-state security actors that actually increased in terms of units and brigades since the revolution. The non-state security actors in the presence of hundreds are controlling the 6000 km of porous border with Egypt, Tunisia, Algeria, Sudan, Niger and Chad. Armed groups populating the porous border are in conflict to control the illegal traffics of drugs, arms and illegal migrants.

Both the MoD and the MoI have competencies over the border. The MoI is responsible for the internal security while the MoD is responsible for the border external security threats. Often between the two ministries there is an overlapping of jurisdiction that fuels conflicts and dispute between the governance due to the absence of a structured inter-ministerial coordination. Thus, Van Lier (2017) considered that,

As police forces were severely decimated and barely functioning, many police stations subcontracted powers of arrest and detention to local militias. But having to rely on such actors as the main security providers in many parts of the country meant that police stations themselves could not open cases against other militias, and courts were unable to render fair trials (p. 17).

The police is still suffering for the lack of an agreed national security architecture and a national security policy. The chain of command and control remain one among the several challenges including the lack of expertise and professionalism, of the security actors, the lack of equipment, and financial means to support the conduct of investigations and prosecution. Evidence of the dysfunction is that about 22 geographic directorates (or "security directories") and 22 thematic directorates, used to - and in cases is still happening - report directly to the Minister or the vice-minister on operations such as crowd control, swats, etc. About 131.000 police officers and civilians are on the Ministry's payroll, although the number of the Minister's employees does not correspond to the effective number of employees serving in the Ministry. The office of the human resources of the MoI is not aware of the actual number of those police officers that perceive stipends. Several police officers fled during the revolution as they were compromised with the previous regime, some got killed, and a lot of them are not comfortable to go back "on the street". Considering the high level of corruption, it is possible that before the revolution some were in the payroll but not in service. It seems that in Tripoli and Benghazi police stations, the level of attendance was high (sometimes up to 90%), while medium in administrations and very low for those directly reporting to Qaddafi involved in the regime intelligence, criminal investigations, intervention units etc. Furthermore, the working hours are hardly respected by police officers; the average salary of police officers was from 350 LYD a month for a young policeman to 900 LYD for a colonel; much less than a taxi driver in Tripoli which salary could be around 1500 LYD. Police officers serving under the MoI often have a second job. An investigation conducted by the MoI revealed that 75% of those having a high level of responsibilities tend to be corrupted. Increasing the salary of the police officers was and still is a possible deterrent against corruption. During the Qaddafi regime the police officers were not well trained, did not cover functions of responsibility and had no knowledge of the legislation regulating the internal affairs and the legislation on police officials including the obligation to respect individual and collective human rights during the arrest, the interrogation, prosecution and while in detention. Police districts and police stations are often managed by freedom fighters that could eventually be representing one of another tribe and its economic interest in one or another border trafficking area in Tripoli and in the regions especially the periphery. Some

like, Sharqieh (2013) considered that “Libya needs international assistance in building a strong police force and army – a necessary step for restoring state authority” (2). However even when support was provided by external donors to the MoI to train police officers the deployment and destination of the trained police officers remained a challenge. Since 2011 a large number of police officers and military were actually trained in the police or military academies of several EU countries however upon their return some among them joined the armed group and non-state security actors instead of the state security governance.

4. Future Prospects and Challenges in Libya

The Libyan Prime Ministers have been challenged with the re-establishment of peace and security, election, re-organization of public administration, the integration of *thwar* and the need to reconcile a torn divided society. For a comprehensive understanding of the Libyan post-conflict scenario is necessary to assess, the regional context and the pressure exercised by the international actors (or external donors).

The International community formed by a multitude of actors that supported the revolution and arrived in Libya for a variety of reasons and with a variety of understandings already about what Libya and Libyans needed it and how to do it. The question remained how to translate vision into policies and policies into actions. In the absence of a Libyan’s vision for the short-medium objective and long-term reforming process, the external actors rushed to support the Libyan’s authorities proposing and imposing a Western model process for state formation. The multilateral and bilateral actors struggle to identify their interlocutors in the government to provide support and implement programs. Often they faced obstruction in the implementation due to the lack of clarity in the governance administration or the lack of management continuity due to daily ministerial internal reshuffling or political reshuffling. International democracies interlocutors are often the governments legitimately elected. In a country like Libya, internally divided and controlled by armed groups and non-state security actors it is necessary to include the voices of all into an all-inclusive policy dialogue to be able to transform a fragile political scenario into actions for changes and reforms. The political interlocutors for the EU and the external donors are not necessarily those who control the territory of the country. The information provided by the government recognized by the

international community might not have the authority to manage any institutions and public office outside Tripoli and even in some neighborhood in Tripoli. In this highly conflictive scenario what the external actors missed since the beginning of the peace process has been the communication with the actors of the revolution and their full inclusiveness in the policy dialogue and in the decision making process. The external actors have mapped the freedom fighter's brigade financing research projects of academic institutions in several regions within Libya. However It has been difficult to conduct collect information on the freedom fighters due to the highly insecure and inaccessible areas and the rapid mutation of the freedom fighter's formation and their alliances. The principle of sovereignty is within Libya might that be the one of the freedom fighters or the government legitimized by the election. Ignoring the principle of sovereignty in Libya as anywhere else does not generate the compulsory results for the Libyans and neither for the international community. The decision to opt for a Hobbesian or Weberian concept of state shall be left to the Libyans.

The EU has supported the transition process in Libya from the beginning and established the EU Delegation to Libya in November 2011. Libya is considered like for the rest of the Maghreb and Mashreq a neighboring country which internal insecurity would dramatically impact on the EU security and the rest of the region. The EU funded and still does a large assistance programs aiming at developing the professional skills of the newly elected members of the parliament, support to the security sector and the arms and ammunitions, human rights, reconciliation and transitional justice process to restore peace and security in Libya with the full involvement and support of civil society. It provided advisors to support the political and constitutional process addressing the transformation of the security scenario from insecurity to stability. A mission under the European Common Security and Defense Policy has been established since 2012 to support the law enforcement agencies to control the Libya's porous border preventing illegal migration, human trafficking drugs and weapons trafficking through Libya to the EU. In 2012, it was largely assumed that the transition roadmap set out in the constitutional declaration would proceed relatively smoothly under Libyan leadership in a nationally-owned process, and that the political and security situation would gradually stabilize through an effective disarmament, demobilization, and reintegration process (DDR) (Crossley-

Frolick, 2011, 37). However, the eruption of the conflict in Syria in 2012, the political situation in Egypt and the external actor's interests and pressure strongly impact on the economic and political process in the post-revolutionary Libya. Since the 17 February revolution of 2011, Libya political and security situation remain unstable and volatile and, contrary to earlier expectations, the country is still struggling toward stabilization. Political instability, frequent changes in key ministerial and administrative positions and a pervasive sense of unpredictability have also affected Libyan engagement in the reconstruction. Many of the planning assumptions have not yet materialized, bearing consequences for the EU contribution in restoring peace and security. Much of the international assistance has been driven by Libyan demand with the general recognition amongst donors that, in many cases, support has been to react instead of planning lacking both strategic vision and effective coordination. The response has been ad-hoc, rather than based on a proper assessment of how international donors could respond in an articulated and complementary manner to impact on the peace process. Moreover, the past years have witnessed a proliferation of arms and ammunition against the development of a national disarmament plan and arms control.

The post-revolutionary political landscape in Libya remained fragmented as well as the in the region. The formation of the new state in Libya is significantly delayed and elections over the years since the revolutions are being inconclusive (Sawani, 2017, 55-56). The political, institutional and security vacuum is being exploited by actors inside and outside the state institutions, as well as by criminal groups dealing with transnational organized crimes of trafficking human beings drug and weapons. Central authorities remain powerless in the face of numerous competing power bases at local, regional and central level. Boycotts, intimidation, and extortion have become the standard means of exerting influence and pursuing agendas. Last June 2018 in the East, federalists forced the closure of oil terminals, thus reducing Libyan oil production from 1.5 million BPD to 250 000 BPD and thereby severely affecting the economic and fiscal situation. The government, the General National Congress and judicial institutions ability to govern, legislate, perform their duties and enforce decisions is limited due to the strong influence, pressure and disruption of non-state actors.

The core problem impeding post-conflict stability is the absence of a political settlement that addresses core issues such as the inclusion of non-

state security actors in the political dialogue, the functioning of the state, the role and separation of powers between the executive and legislative branches, national reconciliation and transitional justice, and the distribution of national resources and wealth. Progress on the security front is unlikely to materialize outside of a comprehensive and broad-based political consensus, as non-state security actors are unlikely to lay down their weapons unless a political settlement also accommodates their interests in the constitution and ensures them alternative means of income. The security scenario in Libya is highly conflictive, fragile and the challenges are immense. Weak-state controlled security institutions have enabled transnational organized crime to flourish. Kidnapping, smuggling, illicit-trade and racketeering, are taking root all across Libya. In the East, especially in Benghazi and Derna, where violent extremist groups are conducting a campaign of terror against security officers, state officials and civilians attempting to expand their activities westwards. That is why the

EU is encouraging the Libyan authorities to counter the illicit proliferation of all arms and related materiel of all types, including man-portable air defense systems, to secure and manage Libya's borders, to continue to expedite its inspections regarding sanctions noncompliance, including illicit transfers of arms and related materiel to and from Libya, and the assets of individuals subject to the asset freeze established in resolutions 1970 (2011) and 1973 (2011) and modified in resolutions 2009 (2011), 2040 (2012) and 2095 (2013) (Fukutomi, 2017, 29).

Extensive, porous and poorly managed borders have transformed Libya into a regional hub for arms, drugs and human trafficking. Over the past several years, Libya has become the main transit country in the Maghreb for economic migrants, refugees and asylum seekers (mainly from Africa and more recently the Middle East) *en route* to Europe. In the South, decades of neglect and lack of perspectives for economic and social development reinforce local dependencies on criminal activities and networks. Violent clashes between Arab and Tebu communities proceed on a daily basis and are exacerbating the security risks and threats in the area, as well as local defiance of state authority. Ammunition storage area (ASA) bombed by the NATO operations and under the control of territorial armed groups like Zintan and Misrata since 2011 contributed to fuel conflicts and increase arms and ammunition's proliferation. Libyan weapons stocks are estimated to be greater in scale than those found in Iraq and a large proportion of weapons stockpiles are outside the control of the state. It is

fully acknowledged that absent a political agreement and engagement with the ex-freedom fighters prevent national disarmament plan to succeed as well as the inability of the state to provide security countrywide. Therefore, Fukutomi (2017) was right in asserting that

Libya's post-conflict transition, however, has been disrupted by armed militia groups and threatened by the conflict of interim leaders. The situation continued to have a negative impact on the living conditions and security of the local population, and was aggravated by the high rate of gun ownership among the population in the absence of any disarmament and effective weapons control efforts (23).

National security architecture has still to be fully agreed and implemented. State controlled security institutions and forces under a central chain of control and command have not yet fully developed. In most parts of the country, armed groups co-opted by the General National Congress and government remains the main providers of law and order. Benghazi is an exception, where the army's Special Forces have the responsibility for countering insecurity, in the face of daily assassinations of state and military leaders. Then, efforts to disarm demobilize and (re)integrate ex-fighters into security structures and civilian life proceeds also thanks to the efforts of the Warrior Affairs Commission engaged in the DDR process. However, the WAC continues to meet resistance by majority of the armed groups to integrate into state structures due to the non-inclusive dialogues among the parties. Those former combatants integrated into the Ministry of Defense and the Ministry of Interior from Misrata, Zintan, Benghazi, Tajoura, and Sukjuma continue to maintain their loyalties elsewhere, but not to the central government (Van Lier, 2017, 20-31). Advancements in transforming the insecure scenario into peace and stability have also been hindered by political instability, disunity within the government and tensions between the GNC and the Prime Minister unclear division of competencies, overlapping responsibilities and lack of inter-ministerial coordination. Within the line ministries, the main challenges are insufficient resources and weak institutional and administrative capacities, lack of policy and strategic thinking, blurred lines and roles between the policy, administrative and operational levels, internal political struggles and competing political loyalties. The identification of reliable points of contact in the ministries and key actors has proven to be quite difficult and there is considerable resistance towards international actors.

The disarmament, demobilization and reintegration and security

transformation nexus is in the “renewal and agreement of the social contract” between the state and its citizenry for new bargaining, transform the conflict security environment and agree to cede authority (i.e., the obligation to obey) to a governing body in return for the social order and other benefits it might provide. The fundamentals of the social contract lie in the constitution in the “bargaining for legitimacy” between the fighters, new security providers, their communities, and their local authorities in exchange of distribution of power, economic resources, social and economic justice. Libya new concept of security is to be found on human security agreed by a national dialogue among the executive, the legislative, the judiciary, the civil society, the political parties, the army, the police and the non-statutory actors. The peace process and the long-term reforming process, critical to re-establishing the trust and credibility for the future security governance, bring about a new political process to guarantee human development. The identification of what had mobilized individuals into the conflict is necessary to address the demobilization; large numbers of people did not make such decisions spontaneously but they were mobilized and persuaded and exhorted to remain in a state of war. The principle of ownership shall include both state and non-state actors at national, regional and local levels, seeking to involve as many former conflict parties as possible as well as the groups that have been marginalized or are generally under represented on the security scenario in the DDR and SSR.

5. Conclusion

Armed conflicts are defined as armed clashes between two or more centrally organized parties, with continuity between the clashes, in disputes about power over government and territory. Researchers generally agreed that democratic states almost never go to war on the contrary of the autocratic regimes that are the most war-prone and that economic conditions emerge as the most important explanatory factors; low level of economic development; a low average Gross National Product per capita; disproportionately large agricultural sector, etc. In the case of Libya the research indicated that the unequal regional distribution of wealth and the longest authoritarian regime since the end of World War II are the most important long-term causes of intra-state armed conflict.

For successful transition from conflict to peace and security

international and local policy-maker in Libya should consider the enhancement of effective and accountable human security within a framework of democratic governance lead by the rule of law principle. The government shall address security at the political level and translate the outcome into government policy regulated by a legal framework that needs to reflect on the country's legal culture and tradition. The external actor's agenda should be attuned with local priorities and engage at the higher political level to provide support to security policy and national security architecture instead of lowering risks responding to security policy with operational solutions. In a post conflict scenario where the national ownership is weak and the external actors replace one of the contractual parties promoting the western concept of social contract, the process failed proving the social contract has implications far beyond the community itself and powerfully shaped by the discourse in the national political system which include state and non-state actors as well. The international community continues to struggle with inadequate and outdated conceptual tools maintaining Thomas Hobbes (1588-1679) and the state security monopoly of the use of force in a centralized political and administrative structure disregarding Libyan's political discourse. The centralized state have failed because the original social contract between the state and its citizens was broken and the recreation of a political and social order requires to be restored. If the states is not *capable* of providing the highest levels of human security in their absence predatory violence by competing armed groups is likely to prevail instigated by the state itself in an insecurity vacuum and non-state forms of governance.

List of References

- Peter Mandaville, 2007. *Global Political Islam*. London and New York: Routledge.
- Murray Robert & Heir Aidan. (Eds.) 2001. *Political Culture in Libya*. New York: Palgrave.
- Schnelzer Nadine. 2016. *Libya in the Arab Spring: The Constitutional Discourse since the Fall of Gaddafi*. Wiesbaden: Springer.
- Buckley, Caitlin A. 2012. "Learning from Libya, Acting in Syria." *Journal of Strategic Security* 5, no. 2: 81-104.
- Dagi Dogachan. 2017. The Responsibility to Protect: Its Rise and Demise." *Journal of Liberty and International Affairs*, Vol. 2. No. 3: 74-82.

- Barfi Barak. 2014. *Khalifa Haftar: Rebuilding Libya from the Top Down*. Washington, DC: Washington Institute for Near East Policy.
- Blanchard Christopher. 2014. *Libya: Transition and U.S. Policy*. Washington D.C: Congressional Research Service.
- Romanet Perroux Jean-Louis. 2015. "Libya's Untold Story: Civil Society amid Chaos." *Middle East Brief*. No. 93: 1-8
- Mohammad Sawani Youssef. 2017. "Security Sector Reform, Disarmament, Demobilization and Reintegration of Militias: The Challenges for State Building in Libya." *Contemporary Arab Affairs*. Vol. 10 No. 2: 171-186
- Geha Carmen & Volpi Frédéric. 2016. "Constitutionalism and Political Order in Libya 2011-2014: Three Myths about the Past and a New Constitution, *The Journal of North African Studies*, Vol. 21, No. 4, 687-706.
- Van Lier, Felix-Anselm. 2017. *National Dialogue in Libya –The National Dialogue Preparatory Commission. Libya Case Study Report*. Berlin: Berghof Foundation.
- Crossley-Frolick, Katy A. 2011. "The European Union and Transitional Justice: Human Rights and Post-Conflict Reconciliation in Europe and Beyond," *Contemporary Readings in Law & Social Justice*, Vol. 3
- Battiss Samir, Luengocabrera Jose & Morillas Pol. 2016. *EU-led Security Sector Reform and Disarmament, Demobilisation, and Reintegration Cases: Challenges, Lessons Learnt and Ways Forward*. European Parliament's Sub-Committee on Security and Defense: Brussels.
- Muggah, Robert & O'Donnell Chris. 2015. "Sequencing Next Generation Disarmament, Demobilization, and Reintegration in Peace Processes." *Centre for Research on Peace and Development Working Paper*, No. 29. 1-21.
- Fukutomi Mitsuhsa. 2017. "Humanitarian Intervention in Libya: It is Causing Internal War?" *Hitotsubashi Journal of Law and Politics*. Vol. 45, 23-32.
- Sharqieh Ibrahim. 2013. "Reconstructing Libya: Stability through National Reconciliation." *Brookings Doha Center Analysis Paper*, No. 9. 1-46.

